IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.754 OF 2005
IN
EXECUTION APPLICATION NO.170 OF 2005
IN
SUMMARY SUIT NO.3215 OF 2001

Jaleshwar Singh ....Plaintiff
V/s.
M/s.Ekta Electronics & Ors. ....Defendants
And
Shantilal C. Sompura ....Applicant

Mr.Atul Damle for the Applicant.
Mr.Anil Pandey for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 31ST JANUARY, 2006.

P.C. :

1. This is the Applicant's Chamber Summons for raising/setting aside warrant of attachment in respect of the moveable and immovable properties namely plot of land with a structure standing thereon belonging to her. According to her, the moveable property therein also belongs to her.

2. Firstly, there is nothing brought on record by the Plaintiff - judgment-creditor which can remotely suggest that any of the properties belong to the Defendant- judgment-debtor. Merely because the

Applicant is the mother of the judgment-debtor, it does not follow that the properties belonging to her are liable to be attached and sold in execution of a decree against her children.

3. On the other hand, the Applicant has produced a registered conveyance dated 8.12.1993 in her favour in respect of the immovable property. There is nothing on record warranting any doubt in respect of the conveyance. The registration was also effected soon after the conveyance itself. In the circumstances, it is clearly established that the immovable property belongs to the Applicant.

4. The moveable property on which attachment was levied comprises of the articles such as sofa sets, ceiling fans, refrigerator,cupboards and air conditioner which would normally be found in such premises. There is nothing to indicate that the same belong to the Defendants.

5. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). The Chamber Summons is accordingly disposed of.